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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,552	05/10/2002	Joseph Ward		5783

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EXAMINER *

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,552	Applicant(s) WARD ET AL.	
	Examiner Asfand M. Sheikh	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-53 is/are pending in the application.
 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 July 2006 has been entered.

Acknowledgements

2. In responsive to the Arguments/Remarks made on 12 July 2006: Claims 30-53 are pending for examination in the application. Claims 1-29 have been cancelled. Claims 30-53 have been added.

3. The Examiner establishes new grounds of rejection for claims 30-53.

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Claim Rejections - 35 USC § 101

4. Claims 30-40 are rejected under 35 U.S.C. 101 because the claims fail to produce a tangible result

5. **As per claims 30-40,** In order for claimed subject matter to be considered patent eligible under 35 U.S.C. 101 it must contain a tangible result. The focus of this determination is on the result of the claim as a whole, not the individual steps or structure used to produce the result. Further to be tangible the process claim must set forth a practical application thereby producing a real-world result. It is the position of the Examiner that the result processing order information does not produce a tangible (real-world) result. Therefore the claims are found to be directed towards subject matter, which is not patent eligible under 35 U.S.C. 101.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 30-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin United States Patent 4,992,940 in view of Giovannoli United States Patent 5,758,328.

As per claim 30 and 42, Dworkin discloses receiving information associated with one or more item selection criteria (col. 4, lines 62-68 and col. 5, lines 1-15 and 35-67; FIG. 2A and 2B); processing information associated with one or more item selection criteria (col. 6, lines 11-15; FIG. 2A and 2B); selecting a first list of items from a second list of items based on at least information associated with one or more item selection criteria, the second list of items being stored in a database, each of the second list of items repressing a service or a product (col. 7, lines 7-16; FIG. 2A and 2B); processing information associated with the one or more items (col. 7, lines

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7-21; FIG. 2A and 2B); and determining one or more suppliers based on at least information associated with the one or more items, the one or more suppliers being selected from first list of suppliers (col. 7, lines 7-36; FIG. 2A, 2B, and 7).

Dworkin fails to explicitly disclose receiving one or more quantity values for the one or more items respectively; processing information associated with quantity values; and determining one or more suppliers based on at least information associated the one or more quantity values.

However Giovannoli discloses receiving one or more quantity values for the one or more items respectively (ABSTRACT and col. 5, lines 3-18; Examiner interprets "filter conditions... quantity" to be receiving one or more quantity values for one or more items); processing information associated with quantity values (ABSTRACT and col. 5, lines 3-18; Examiner interprets "...processed to select vendors who are capable of quoting... and who meet any other conditions set by the requesting buyer" to be processing information associated with quantity values); and determining one or more suppliers based on at least information associated the one or more quantity values (ABSTRACT and col. 5, lines 3-18; Examiner interprets "...processed to select vendors who are capable of quoting... and who meet any other conditions

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set by the requesting buyer" to be determining suppliers based on information associated with quantity values).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include receiving one or more quantity values for the one or more items respectively; processing information associated with quantity values; and determining one or more suppliers based on at least information associated the one or more quantity values as taught by Giovannoli. One of ordinary skill would have been motivated to combine the teachings in order to provide for processing requests for goods and services through a computer based communication network based on filter conditions thereby providing a larger market of suppliers and purchasers (col. 2, lines 62-65).

As per claim 31 and 43, Dworkin fails to explicitly disclose wherein the one or more item selection criteria comprise information related to whether a supplier had determined to supply to a purchaser.

However Giovannoli wherein the one or more item selection criteria comprise information related to whether a supplier has determined to supply to a purchaser (ABSTRACT and col. 5, lines 3-18; Examiner interprets "vendors may 'deselect' themselves

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from quoting certain types of RFQs" to be selection criteria to whether a supplier has determined to supply to a purchaser).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include wherein the one or more item selection criteria comprise information related to whether a supplier has determined to supply to a purchaser as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

As per claim 32 and 44, Dworkin fails to explicitly disclose wherein the one or more item selection criteria further comprises a minimum quantity, a freight charge, a sale term, and a price band.

However Giovannoli discloses wherein the one or more item selection criteria further comprises a minimum quantity, a freight charge, a sale term, and a price band (ABSTRACT and col. 5, lines 3-18; Examiner interprets "special conditions of sale" to be a sale term).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include wherein the one or more item selection criteria further comprises a minimum quantity, a freight charge, a sale

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term, and a price band as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

As per claim 33 and 45, Dworkin discloses purchaser identification (col. 4, lines 35-44) and wherein the one or more item selection criteria are associated with at least information related to a purchase to be made (col. 7, lines 7-36; FIG. 2A, 2B, and 7),

Dworkin fails to explicitly disclose wherein item selection criteria are associated with information related to purchaser identification.

However Giovannoli discloses wherein item selection criteria are associated with information set by the requesting buyer (ABSTRACT and col. 4, lines 66-67 and col. 5, lines 1-18; Examiner interprets "conditions set by the requesting buyer" would include identification of said registered purchaser (e.g. registered member who is a buyer)).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include wherein item selection criteria are associated with information set by the requesting buyer as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

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As per claim 34 and 46, Dworkin fails to explicitly disclose receiving delivery information for the one or more items; processing the delivery information.

However Giovannoli discloses receiving delivery information for the one or more items (col. 6, lines 12-24; Examiner interprets "communicate the delivery acceptance" to be receiving the delivery information); processing the delivery information (col. 6, lines 12-24; Examiner interprets "to permit release of funds to the vendor" to be processing the delivery information).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include receiving delivery information for the one or more items; processing the delivery information as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

As per claim 35 and 47, Dworkin discloses determining one or more suppliers based on at least information associated with the one or more items, the one or more suppliers being selected from first list of suppliers (col. 7, lines 7-36; FIG. 2A, 2B, and 7).

Dworkin fails to explicitly disclose determining one or more suppliers based on at least information associated the one

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or more quantity values, and determining the one or more suppliers based on at least the delivery information.

However Giovannoli discloses and determining one or more suppliers based on at least information associated with the one or more quantity values (ABSTRACT and col. 5, lines 3-18; Examiner interprets "...processed to select vendors who are capable of quoting... and who meet any other conditions set by the requesting buyer" to be determining suppliers based on information associated with quantity values), and determining the one or more suppliers based on at least the delivery information (ABSTRACT, col. 5, lines 3-18, and col. 6, lines 12-24; Examiner interprets "if credit purchase conditions the vendor's payment on confirmation" to be determining suppliers based on the delivery information).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include determining one or more suppliers based on at least information associated with the one or more quantity values, and determining the one or more suppliers based on at least one or more required supplier geographic locations as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

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As per claim 36 and 48, Dworkin discloses determining one or more suppliers based on at least information associated with the one or more items, the one or more suppliers being selected from first list of suppliers (col. 7, lines 7-36; FIG. 2A, 2B, and 7).

Dworkin fails to explicitly disclose determining one or more suppliers based on at least information associated the one or more quantity values, and determining the one or more suppliers based on at least one or more required supplier geographic locations.

However Giovannoli discloses and determining one or more suppliers based on at least information associated the one or more quantity values (ABSTRACT and col. 5, lines 3-18; Examiner interprets "...processed to select vendors who are capable of quoting... and who meet any other conditions set by the requesting buyer" to be determining suppliers based on information associated with quantity values), and determining the one or more suppliers based on at least one or more required supplier geographic locations (ABSTRACT and col. 5, lines 3-18; Examiner interprets "filter conditions... geographic location" to be determining suppliers based on information associated with geographic location).

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It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin to include determining one or more suppliers based on at least information associated the one or more quantity values, and determining the one or more suppliers based on at least one or more required supplier geographic locations as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

As per claim 37 and 49, Dworkin discloses displaying a second list of suppliers (col. 7, lines 22-67 and col. 8, lines 1-2; Examiner interprets "each screen contains information on three suppliers..." and "viewing the next screen of data" to include showing multiple lists (e.g. 3 suppliers compose 1 list) of suppliers).

Dworkin fails to explicitly disclose receiving one or more suppliers selections of the first list of suppliers from the second list of suppliers.

However Giovannoli discloses receiving one or more suppliers selections of the first list of suppliers from the second list of suppliers (col. 5, lines 3-41).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dworkin

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to include receiving one or more suppliers selections of the first list of suppliers from the second list of suppliers as taught by Giovannoli. The motivation to combine is the same as claim 1, above.

As per claim 38 and 50, Dworkin discloses wherein the first list of items comprises all items that satisfy at least the one or more item selection criteria in the second list of items, the items being either in stock or not in stock (FIG. 2A and 2B; Examiner interprets "DISPLAY PRODUCTS" and "ACCEPT PRODUCTS" to be list of items that satisfy the selection criteria).

As per claim 39 and 51, Dworkin discloses wherein at least one of the one or more suppliers provides the best price for at least one or more items (col. 6, lines 26-37; Examiner interprets "lowest price" to be the best price).

As per claim 40 and 52; Dworkin discloses wherein the best price is a base price or an affective price, the effective price taking into account at least one selected from a group consisting of freight, discount, and bonus (col. 6, lines 26-37).

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As per claim 41 and 53, Dworkin discloses further comprising transmitting one or more orders of the one or more items to the one or more suppliers (col. 8, lines 9-37).

Response to Arguments

8. Applicant's arguments with respect to claims 30-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

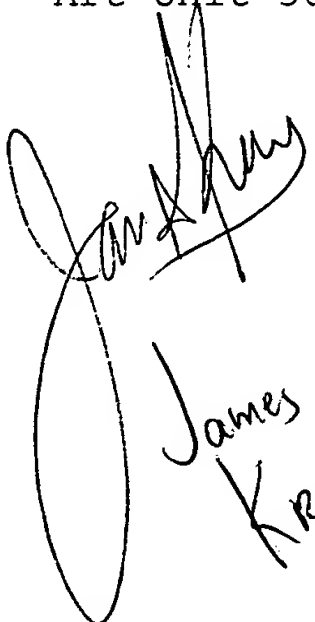
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

Asfand M Sheikh
Examiner
Art Unit 3627

ams

5 September 2006


James
Kramer
9/5/06